

Senate Bill No. 2241

CHAPTER 811

An act to amend Sections 49520 and 49521 of, and to add Sections 49501.3 , 49501.5, and 49524 to, the Public Resources Code, relating to solid waste, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 23, 1998. Filed
with Secretary of State September 24, 1998.]

LEGISLATIVE COUNSEL'S DIGEST

SB 2241, Brulte. Solid waste: handling services.

The existing California Integrated Waste Management Act of 1989 provides that if a local agency has authorized a solid waste enterprise, by franchise, contract, license, or permit, to provide services and those services have been provided for more than 3 previous years, the solid waste enterprise may continue to provide those services up to 5 years after mailed notification to the solid waste enterprise by the local agency having jurisdiction that exclusive solid waste handling services are to be provided or authorized, unless the solid waste enterprise has an exclusive franchise or contract. The act subjects a solid waste enterprise providing solid waste handling services to specified requirements regulating the handling of solid waste under specified conditions.

This bill would require that those solid waste handling services have been lawfully provided for more than 3 previous years. The bill would define the terms "lawfully provided" and "license" for purposes of the act.

The bill would provide that if the local agency has established rates for solid waste handling services, the local agency may require the solid waste enterprise to adhere to rates that are comparable to those established by the local agency.

The act authorizes any local agency or solid waste handling enterprise to contract, upon mutually satisfactory terms, for the termination of all or any part of the business of the solid waste enterprise before the expiration of a specified period.

This bill would prohibit a solid waste enterprise from waiving the right to continue to provide solid waste handling services.

This bill would declare that it is to take effect immediately as an urgency statute.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares that the addition of Sections 49501.3 and 49501.5 to the Public Resources Code, which define the terms “lawfully provided” and “license” for purposes of laws regulating solid waste enterprises, and the changes to Sections 49520 and 49521 of the Public Resources Code that are made by this act do not constitute changes in, but are declaratory of, existing law.

SEC. 2. Section 49501.3 is added to the Public Resources Code, to read:

49501.3. “Lawfully provided” means the services of the solid waste enterprise are in substantial compliance with the terms and conditions of its franchise, contract, license, or permit.

SEC. 3. Section 49501.5 is added to the Public Resources Code, to read:

49501.5. “License” means a solid waste license issued by a local agency or a business license issued by a local agency if the local agency has not established any other form of authorization for the lawful provision of solid waste handling services.

SEC. 4. Section 49520 of the Public Resources Code is amended to read:

49520. If a local agency has authorized, by franchise, contract, license, or permit, a solid waste enterprise to provide solid waste handling services and those services have been lawfully provided for more than three previous years, the solid waste enterprise may continue to provide those services up to five years after mailed notification to the solid waste enterprise by the local agency having jurisdiction that exclusive solid waste handling services are to be provided or authorized, unless the solid waste enterprise has an exclusive franchise or contract.

If the solid waste enterprise has an exclusive franchise or contract, the solid waste enterprise shall continue to provide those services and shall be limited to the unexpired term of the contract or franchise or five years, whichever is less.

SEC. 5. Section 49521 of the Public Resources Code is amended to read:

49521. A solid waste enterprise providing continuation solid waste handling services pursuant to Section 49520 is subject to the following conditions:

(a) The services of the solid waste enterprise shall be in substantial compliance with the terms and conditions of the franchise, contract, license, or permit, and meet the quality and frequency of services required by the local agency in other areas not served by the solid waste enterprise.

(b) If the local agency has established rates for solid waste handling services, the solid waste enterprise may be required by the

local agency to adhere to rates that are comparable to those established by the local agency.

SEC. 6. Section 49524 is added to the Public Resources Code, to read:

49524. Notwithstanding Section 49523, a solid waste enterprise may not waive the right to continue to provide solid waste handling services as provided in this chapter.

SEC. 7. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to clarify provisions of existing law that provide for the continuation of rights to solid waste licensees, thereby preventing the premature termination of the right to do business by those licensees in communities that are converting to exclusive solid waste franchising systems in this state, at the earliest possible time, it is necessary that this act take effect immediately.

